IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

RP.No. 55 of 2007()

AGAINST THE JUDGEMENT/ORDER IN MACA.2009/2005 Dated 17/11/2006
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REVIEW PETITIONER/1ST RESPONDENT AND APPELLANT:

N. SURENDRAN, S/O.NARAYANAN NAIR,
NADUVANKANDY HOUSE, MUZHAKKUNNU AMSOM,NELLUR DESOM
P.O. KOKKEYENGAD, PERAVOOR VILLAGE, KANNUR DIST.

BY ADV. SRI.T.A.RAMADASAN
SRI.CIBI THOMAS

RESPONDENTS: APPELLANT & RESPONDENT 2 TO 4 & RESPONDENTS 1 TO 4:
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1. NATIONAL INSURANCE COMPANY LTD.,
REP. BY DEPUTY MANAGER, KOCHI REGIONAL OFFICE,
T.P. CELL, M.G.ROAD, ERNAKULAM.

2. PURUSHOTHAMAN, S/O. BALAN,
PUTHIYAVEETTIL HOUSE, MUZHAKKUNNU AMSOM,
NELLUR DESOM, P.O. KOKKEYENGAD, VIA. PERAVOOR,
KANNUR DISTRICT.

3. E.P. BASHEER,
KARIYIL HOUSE, ELAMBARA, P.O. MATTANNUR,
KANNUR DISTRICT.

4. SUNIL KUMAR, S/O. RAGHAVAN NAIR,
MANATH HUSE, KUZHAKKUNNU AMSOM, NELLUR DESOM,
P.O. KOKKEYENGAD, VIA. PERAVOOR, KANNUR DISTRICT.

BY ADV. SRI.P.R.RAMACHANDRA MENON

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & M.N. KRISHNAN, JJ.

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R.P. NO. 55 OF 2007 IN
MACA 2009 OF 2005

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Dated this the 19th day of January, 2007.

O R D E R

Krishnan,J.

This review petition is preferred against the award passed in MACA 2009/05 and MACA 922/06 of this Court. Two appeals were preferred. One by the claimant and the other by the Insurance Company. Both the cases were heard together and this Court by judgment dated 17th November, 2006 reduced the compensation from Rs.7,38,000/- to Rs.6,53,985/-. The main grievance of the review petitioner is that this Court had not considered his appeal and had only considered the case of the Insurance Company. When two appeals are preferred against the same award, the question to be considered is whether reasonable amount has been granted by the Tribunal and it requires enhancement or reduction as the case may be. It is in that perspective this Court has considered the entire matter and came to a conclusion that the compensation is to be reduced. There is no merit in saying that the appeal of the review petitioner was not considered. Further

there is no error apparent on the face of the records. The review petitioner has not come across any new points which was not available at the stage of disposal. There is no ground under Order 47 Rule 1 C.P.C. to review the judgment. Therefore, the review petition is dismissed.

K.S. RADHAKRISHNAN, JUDGE.

M.N. KRISHNAN, JUDGE.

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